

**AMENDMENTS TO THE DRAWINGS:**

The attached one (1) sheet of drawings includes changes to Figure 1. Figure 1 has been amended without prejudice to include text labels within the black boxes. No new matter has been added.

Attachment: One (1) Replacement Sheet

## **REMARKS**

### **I. Introduction**

With the addition of new claim 11, claims 6 to 11 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Objection to the Drawings**

As regard the objection to the drawings, the Examiner will note that Figure 1 has been amended herein to include text labels within boxes 2, 4, 6, 8, 10, 12, 14. No new matter has been added. In view of the foregoing, withdrawal of this objection is respectfully requested.

### **III. Rejection of Claims 6 to 9 Under 35 U.S.C. § 103(a)**

Claims 6 to 9 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,078,024 ("Inoue et al.") and U.S. Patent No. 6,237,675 ("Oehring et al."). It is respectfully submitted that the combination of Inoue et al. and Oehring et al. does not render unpatentable the present claims for at least the following reasons.

As an initial matter, the Office Action's reference to paragraphs of Inoue et al. and Oehring et al. cannot be understood. Applicants respectfully request reference to columns and line numbers in connection with any further rejection that may be based on a U.S. patent.

To establish a prima facie case of obviousness, the applied prior art must satisfy three criteria: (1) there must be some suggestion or motivation to one of ordinary skill in the art to modify a reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest each and every limitation in the claim under examination. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Claim 6 relates to a method for adjusting a temperature of a motor vehicle seat including a seat ventilation system and a seat heater. Claim 6 recites the steps of detecting the temperature of the seat in a region of a seat surface by a first temperature sensor, detecting an outside temperature by a second temperature

sensor, switching off the seat ventilation system below a first temperature threshold for the outside temperature, and switching off the seat heater above a second temperature threshold for the outside temperature. This method allows the temperature to be controlled only by operation of the ventilation system when the outside temperature is above the first temperature threshold and only by operation of the heater system when the outside temperature is below a second threshold, with an optional range between the two thresholds in which the seat temperature may be controlled by both the ventilation system and the seat heater.

Inoue et al. relate to an air conditioning apparatus having an electric heating member integrated with a heating heat exchanger. As an initial matter, Applicants respectfully disagree with the Office Action's contention, e.g., at page 4, that Inoue et al. "teach . . . a seat heater and a seat cooler or ventilator." Indeed, Inoue et al. do not disclose, or even suggest, a seat heater or a seat ventilator. Notwithstanding the foregoing, Inoue et al. describe a heating heat exchanger for heating air, in which hot cooling water from the engine is used to supply heat. In order to address the problem of insufficient water temperature (see, e.g., col. 1, lines 24 to 32), Inoue et al. provide supplementary heat via electric heating members integrated with the heating heat exchanger (see, e.g., col. 2, lines 6 to 12). Inoue et al. further provide, referring to Figure 5, a control system whereby the electric heat is only supplied under certain conditions, such as when the outside temperature is below a set temperature, the engine cooling water is below a set temperature and a maximum heating switch is on. Thus, Inoue et al. disclose an air-conditioning system in which only a supplemental portion of the heat supply is switched off when not needed. As such, Inoue et al. do not disclose, or even suggest, switching off a seat heater above a temperature threshold for the outside temperature.

Further, the Office Action admits at page 4 that Inoue et al. "do[] not teach use of an outdoor temperature sensor to determine the on/off of both the heater and cooler." Indeed, Inoue et al. do not disclose, or even suggest, either of switching off a seat ventilation system below a first temperature threshold for the outside temperature or, as indicated above, switching off a seat heater above a second temperature threshold for the outside temperature.

Oehring et al. relate to a method for automatically controlling the temperature of a vehicle seat in a vehicle. Referring, for example, to Figure 2, Oehring et al. disclose an electronic automatic temperature controller that considers

a variety of variables, including outside temperature, control set point, interior temperature, and sunload. The controller then uses these variables to compute a "target temperature" (see, e.g., col. 3, lines 5 to 32). This adjusted target temperature is used to control the temperature of the seat by heating and/or cooling (see, e.g., col. 3, lines 32 to 45 and Figure 3). Thus, the outside temperature is only used by Oehring et al. as one of multiple factors to adjust a target temperature. As such, Oehring et al. do not disclose, or even suggest, either of switching off the seat ventilation system below a first temperature threshold for the outside temperature or switching off the seat heater above a second temperature threshold for the outside temperature.

As indicated above, the combination of Inoue et al. and Oehring et al. does not disclose, or even suggest, all of the features of claim 6. Therefore, Applicants respectfully submit that claim 6 is not rendered unpatentable by the combination of Inoue et al. and Oehring et al.

As regards claims 7 to 9, which depend from claim 6 and therefore include all of the features recited in claim 6, it is respectfully submitted that the combination of Inoue et al. and Oehring et al. does not render unpatentable these dependent claims for at least the same reasons set forth above in support of the patentability of claim 6. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (any dependent claim that depends from a non-obvious independent claim is non-obvious).

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

#### **IV. Allowable Subject Matter**

Applicants note with appreciation the indication of allowable subject matter included in claim 10. In this regard, the Examiner will note that claim 10 has been rewritten in independent form to include all of the features of its base claim and any intervening claims. It is therefore respectfully submitted that claim 10 is in condition for immediate allowance.

#### **V. New Claim 11**

New claim 11 has been added herein. It is respectfully submitted that claim 11 adds no new matter and is fully supported by the present application,

including the Specification. It is respectfully submitted that claim 11 is patentable over the references relied upon for at least the reason that the references relied upon do not disclose, or even suggest, a method for adjusting a temperature of a motor vehicle seat to at least one predetermined desired value, the motor vehicle seat including a seat ventilation system controlled by a first controller and a seat heater controlled by a second controller, in which the method includes: detecting the temperature of the seat in a region of a seat surface by a first temperature sensor; detecting an outside temperature by a second temperature sensor; disabling the first controller below a first temperature threshold for the outside temperature; and disabling the second controller above a second temperature threshold for the outside temperature.

#### VI. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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